



PATENT

Attorney Docket No. 03715.0102-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
Elisabeth TOURNIER-LASSERVE et al. ) Group Art Unit: 1637  
 )  
Application No.: 10/019,434 ) Examiner: Teresa E. STRZELECKA  
 )  
Filed: May 7, 2002 ) Confirmation No.  
 )  
For: USE OF THE KRIT1 GENE IN THE )  
FIELD OF ANGIOGENESIS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPLICATION FOR PATENT TERM ADJUSTMENT-PRE-GRANT**

In accordance with 37 C.F.R. § 1.705(b), Applicant hereby applies for patent term adjustment under 35 U.S.C. § 154(b) of 467 days. This application is being filed before or with the issue fee payment, as required by 37 C.F.R. § 1.705(b).

**I. Statement of the Facts Involved**

**A. Correct Patent Term Adjustment**

Applicant received the Determination of Patent Term Adjustment with the Notice of Allowance and Fee(s) Due mailed from the Patent and Trademark Office (PTO) on July 2, 2007, advising that this application is entitled to 233 days of patent term adjustment.

Applicant has calculated a patent term adjustment of 467 days based on the following facts:

10/03/2007 AWONDAF2 00000065 10019434

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The above-identified application was filed May 7, 2002.

The first Office action was mailed on July 27, 2002, resulting in a PTO delay of 386 days beyond the 14 months provided by 35 U.S.C. § 154(b).

A response by Applicant was filed December 27, 2004, resulting in a deduction of 61 days of patent term adjustment.

A Request for Information Under 37 C.F.R. § 1.105 was mailed on March 7, 2005. Applicant filed a response to that Request on August 2, 2005. Applicant is unsure, based on the Record on PAIR, whether the Office has assessed the impact, if any, of the timing of that reply on the patent term adjustment that this application is otherwise entitled to. Applicant requests that the Office reconsider that issue.

In any event, the Office did not then mail the next Office Action until July 24, 2006, resulting in a PTO delay of 234 days beyond 4 months provided by 35 U.S.C. § 154(b). That PTO delay is not reflected on PAIR.

A response by Applicant was filed January 24, 2007, resulting in a deduction of 92 days of patent term adjustment.

Thus, the total PTO adjustments based on delay is 620 days and the reductions in term adjustment is 153 days, resulting in a patent term adjustment of 462 days total. Accordingly, Applicant respectfully requests that the current patent term adjustment be reconsidered.

#### **B. Terminal Disclaimer**

The above-identified application is not subject to a Terminal Disclaimer.

**II. Fee**

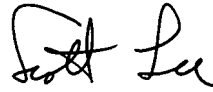
As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by a check for \$200.00 to cover the required fee. Please charge any deficiencies to Deposit Account 06-0916. If there are any other fees due in connection with the filing of this request, please charge them to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 2, 2007

By: \_\_\_\_\_



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